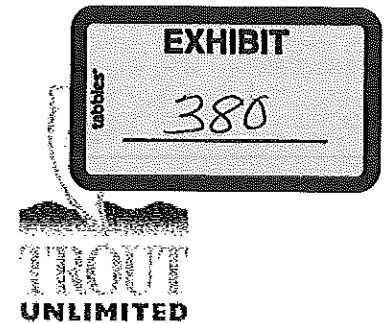


Mr. Paul E. Stacey
Department of Environmental Protection
Bureau of Water Protection and Land Reuse
Planning and Standards Division
79 Elm Street
Hartford, CT 06106-5127



Testimony of support for the Proposed Stream Flow Regulations

Mr. Stacey,

As President of the Hammonasset Chapter of Trout Unlimited, I am writing today to express my support for the Proposed Stream Flow Standards and Regulations.

The Hammonasset Chapter represents over 400 members living in Middlesex County, New Haven and surrounding Shoreline area and has been actively involved since 1985 in working to preserve, protect and restore the coldwater habitat of our local rivers and streams.

Trout Unlimited's mission in Connecticut is to preserve, protect and restore the state's coldwater resources. We accomplish this mission through: Protecting our water resources; Reconnecting fragmented habitat to open entire river systems to spawning; Restoring damaged and degraded river sections to provide year-round habitat for trout and aquatic species; Sustaining these efforts through our education and outreach to Connecticut residents to help them understand the importance of good stewardship and the inherent value of our coldwater resources. Much of our success is owed to the close partnership, guidance and funding of the Connecticut Department of Environmental Protection and its dedicated and experienced staff. We look forward to continued collaboration efforts towards improving our local rivers.

The proposed regulations are a major step forward.

The existing regulations, aimed at the state's stocked streams, do not protect the native and wild trout and other aquatic life that have managed to survive despite the impacts of human development and encroachment. These naturally existing populations and habitats are the most important to protect and improve.

The proposed regulations require flows, which more closely match the natural flow patterns. In working to preserve, protect and restore the natural river ecology, there is nothing more important than stream flows which follow the region's natural hydrography. Our native aquatic species have evolved to take advantage our historical stream flow patterns and do best when such conditions exist. Clearly the most critical period is the Rearing and Growing bioperiod, when unnaturally low flows can cause significant population mortality. High water flow are important also, to allows for the rivers and streams to naturally flush out

sedimentation, redistribute vital nutrients throughout the river system and build the habitat and structure needed for a healthy ecosystem.

Water retention and diversion has led to significant changes in the natural flows of our state's rivers and streams. The low flow periods now last longer and reach lower levels than ever before. The high flow periods are shorter and more abrupt. Returning our streams to a more natural flow pattern will have a significant impact on the quality and health of the ecosystem.

Monitoring the effects of groundwater withdrawals on the stream flows of rivers is also vital to ensuring these regulations have their desired effect.

Connecticut's current regulations are out-dated.

The standards set at that time were created under inadequate scientific study and were not advised with the benefit of today's advanced understanding of coldwater ecological needs.

In 2005, the state legislature recognized the many gaps in our state's stream flow regulations and enacted legislation that sought to close these gaps and address the need to balance and improve water use in Connecticut. Over the past four years, your department's staff and the Commissioner's Advisory Group carefully considered the many uses of our water resources and worked to draft proposed regulations which balanced the human needs with the ecological requirements of healthy river systems. We thank you for your careful and conscientious work.

The time is now to implement stream flow standards which will help preserve and improve the state's rivers and streams while providing protection to water supplies for people too.

The proposed regulations are vital to protecting our rivers and streams.

Water in Connecticut is a public resource, held in trust for the citizens of the state, and protected and preserved for countless of uses.

There is plenty of water to go around, if managed correctly, and these regulations will help lead the way to improved water management in the state. Current regulations do not adequately protect the fragile ecology of our rivers and streams.

Connecticut rivers and streams already face an abundance of threats. Habitat fragmentation due to dams, culverts and other passage barriers prevent trout and other aquatic inhabitants from traveling within river systems, a vital component of spawning and survival. Ever-increasing development throughout our watersheds and along our watercourses has added a slew of challenges such as non-point source pollution, unnatural temperature variances, increased groundwater withdrawals and more.

Many threats to rivers are being addressed through Trout Unlimited's active advocacy, education, outreach and restoration initiatives, but adequate river flow regulations are the only way to ensure that all of Connecticut's rivers and streams, can allow trout and other species to survive, but all of this work can quickly be undone when water flows remain unnaturally low during the critical summer rearing months. A single season of low flows can completely desiccate a stretch of river, devastate a wild trout population and take many years and decades to repair if ever.

The proposed regulations can be reasonably implemented

While the proposed regulations require significant changes to the management of Connecticut's water resources, they will be phased in so as to limit the challenges of accomplishing the required classification and implementation steps.

The new regulations recognize the varied viability and ecological conditions of the many rivers and streams throughout the state and include a classification system that provides a sliding scale of stream flow protections based on a number of criteria.

This classification process should be carefully crafted to include ample opportunity for public discourse and input. Stakeholders in each of the state's five major watershed will have adequate time to work with state staff to determine the proper classification of each individual river and stream and there is a petition process in the proposed regulations to allow for review and possible changes. The proposed regulations also allow for a classification to be changed should ecosystem quality improve or water use requirements change.

The proposed regulations also go further, by providing a specific mechanism for individualized flow management plans to be created for any of the state's river systems. Allowing, or even encouraging such individualized plans opens the door to the creation of localized stream flow management that can take advantage of local conditions and needs and provide a plan that is more ideally suited for that particular river system.

Such individualized watershed compacts provide additional flexibility to those involved in consumptive water use to work with local stakeholders to strike a balance which would likely provide increased water availability for human use and improved stream flows for ecological needs.

Additionally, the exemptions in the proposed regulations and the provisions on the public's right to water in case of drought or other emergency, provide assurance that the regulations do not arbitrarily ignore the human needs.

The proposed regulations have areas that should be strengthened

While the proposed regulations make great strides in accomplishing the goals and intents of the enacted legislation, there are areas where they should be strengthened.

When it comes to groundwater withdrawals, the proposed regulations should ensure that such withdrawals do not result in flow reductions in nearby streams, or even worse, the complete drying out of a streambed, which has been known to happen. At the lowest flow periods, when the stress is greatest on trout and other aquatic life, cutting back or completely eliminating groundwater withdrawals which would impact stream flows is essential and should be included in the regulations.

The stream flow requirements for a Class 4 river in the proposed regulations is the release "the greater of 0.1 cfs." This limited stream flow requirement is inadequate to protect urban rivers designated as Class 4. Although ecological health of such streams may be diminished, these streams can be, and have been rehabilitated to a condition where aquatic life and recreational value are greatly improved. Class 4 designations should include minimum flow standards that allow for the sustenance of existing ecological conditions and aquatic life, providing an opportunity for future restoration work. Limited stream flow protection, as are currently included in the proposed regulations, may cause irreparable harm to Class 4 streams, such that they could never be rehabilitated even if the desire, will, financing and technology were available to do so. The encouragement of river improvement is particularly important for Class 3 and 4 rivers, which can benefit greatly from restoration efforts.

Please consider the proposed regulations and provide at least minimal protection to Class 4 streams and the importance of including within the regulations a specific avenue for improving stream ecology. The importance of the Proposed Stream Flow Standards and Regulations, and the impact they will have of improving the quality of one of our state's most precious natural resources, cannot be emphasized enough.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Fuller".

Kevin Fuller
45 Birchwood Drive Middletown, CT
Chapter President
Hammonasset Chapter Of Trout Unlimited